REMARKS

In the **non-final** Office Action mailed November 16, 2009 the Office noted that claims 21, 22 and 24-29 were pending and rejected claims 21-22 and 24-29. In the amendment claims 21 and 22 have been amended, no claim has been cancelled, and, thus, in view of the foregoing claims 21-22 and 24-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claims 21-29 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims do not conform to the Machine or Transformation test.

The Applicants have amended claim 21 to further recite "at least one computer programmed to perform the steps of." Support for the claims may be found, for example, in ¶¶ 0007; 0010 and 0017 of the printed publication version of the Specification.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 21-29 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Applicants have amended the claims to remove

the offending term.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 21, 22, 25 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Barlow, U.S. Patent No. 5,652,867 in view of Slivka, U.S. Patent Publication No. 2003/0225600. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claim 21 to recite "*accessing the future schedule records (FSR) and the flight schedule database simultaneously by the reservation distribution server;* simulating passenger re-accommodation options to determine the best re-accommodation option for each passenger among said future schedule records (FSR) and the data of the flight schedule database, *said simulating step comprising the steps of: automatically selecting by the reservation distribution server of a re-accommodation option among the data of the flight schedule database for the passengers on flights not affected by the future schedule records (FSR); and among the future schedule records for the other passengers, verifying of the re-accommodation options by the reservation distribution system by applying re-accommodation automation rules, and validating by an operator of the re-accommodation options which do not satisfy the re-accommodation automation rules*; applying the changes in the

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flight schedule database by: detecting dependent re-accommodation options by checking whether some of the best re-accommodation options are comprised in said future schedule records (FSR);updating the flight schedule database starting with the future schedule records (FSR) comprising dependent re-accommodation options; updating the reservation inventory database according to the re-accommodations **options** determined during the simulation step; **and** deleting the future schedule records (FSR)." (Emphasis added)

Support for the amendment may be found, for example, on page 11, line 17 through page 12, line 8 of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of claim 21. Claim 22 has been amended in a consistent manner.

In view of these amendments, the Office is requested to consider that Barlow is a pure simulation system which means that it is an independent system handling copied data, said data being de-correlated from the actual reservation system. Consequently, Barlow does not anticipate using and accessing both the future schedule records and the flight schedule database of the computer based reservation system. Barlow discusses an access to data of the simulation system, not of the computer reservation system. See for example claim 1 of BARLOW which shows that a specific record is built for simulation purposes. This excludes using the flight schedule database of the computer reservation system.

Further, Barlow fails to disclose accessing both the flight schedule database and Future Schedule Records. In Barlow the simulation is made by use of a single source of data: the airline information is retrieved, used to build origin/destination records which are filtered.

Then the resulting data are used for the simulation (see Fig 2 of Barlow). The Applicants have added further limitation to claim 21 to emphasize that two sources of data are accessed in parallel simultaneously (the two sources are the FSR's and the flight schedule database).

The Office asserts that modifying Barlow for re-accommodation purposes in view of Slivka is obvious. The Applicants respectfully disagree.

Barlow is a simulator built only for revenue optimization reasons and only intends to improve the flight schedules of the airlines so that the best flights are defined to increase the revenue. Barlow is for flight schedule definition (see abstract and invention summary of Barlow).

In contrast, the invention, as embodied in the claims, is for loading flight schedule changes. This is not the same purpose and the same context. The Applicants thus estimate that Barlow is no good starting point for making the claimed invention. A normally skilled person would have considered Barlow for what it is: an independent system for proposing improved flight schedules and would not have used it for an invention

where flight schedules are actually loaded in a distribution system used to handle actual reservations requests from end-user; and where passengers are re-accommodated.

As to Slivka, a re-accommodation system is disclosed when flights are cancelled. The re-accommodation of passengers made by Slivka occurs after some flight schedules have been actually cancelled from the flight database and the re-accommodation fails to use two sources of data. ¶ 0032 of Slivka clearly shows that only operation databases 118 are used by the Passenger Flow Model in charge with the re-accommodation process. Consequently, only the actual flight schedule databases are used in Slivka, and not Future Schedule Records as in claim 21.

The Applicants have carefully reviewed ¶¶ 0027 and 0044 of Slivka as cited by the Office, but we were not able to find in them any disclosure or suggestions to:

simulate re-accommodations before the actual loading step of all schedule charges; or

access simultaneously the flight schedule database and Future Schedule Records.

Additionally the Applicants brought limitations to claim 21 about verification and validation steps where an operator is involved. Slivka only discusses that rules can be modified by an operator (see ¶ 0050) and that notifications are sent after the re-accommodation options by an operator in case the applied rules are not satisfied.

Claim 21 further specifies that the Future Schedule Records are deleted after having updated the inventory and schedule databases. This is not anticipated by Barlow and Slivka since neither reference disclose using Future Schedule Records simultaneously with the data of the flight schedule database before the final update of databases.

For at least the reasons discussed above, Barlow and Slivka, taken separately or in combination, fail to render obvious the features of claim 21 and the claims dependent therefrom.

Claims 24, 26 and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Barlow in view of Slivka in further view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an argument.

Official Notices adds nothing to the deficiencies of Barlow and Slivka as applied against the independent claims. Therefore, for at least the reasons discussed above, Barlow and Slivka and Official Notice, taken separately or in combination, fail to render obvious claims 24, 26 and 29.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being obvious over Barlow in view of Slivka in further view of Shetty, U.S. Patent Publication No. 2003/0191678. The Applicants respectfully disagree and traverse the rejection with an argument.

Shetty adds nothing to the deficiencies of Barlow and Slivka as applied against the independent claims. Therefore, for

at least the reasons discussed above, Barlow and Slivka and Shetty, taken separately or in combination, fail to render obvious claim 27.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 21, 22 and 24-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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